

88

Notice of Allowability

Application No.

10/825,052

Examiner

Allana Lewin

Applicant(s)

GOUTHRO, WILLIAM ASHLEY

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 8/4/2006.
2. ☒ The allowed claim(s) is/are 1-8, 11, 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

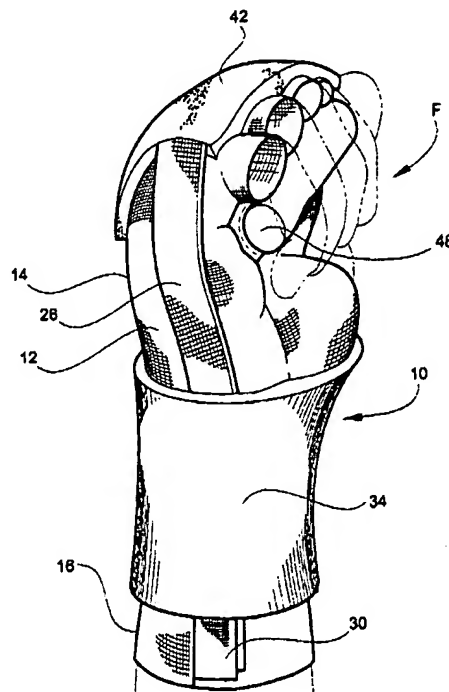
Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

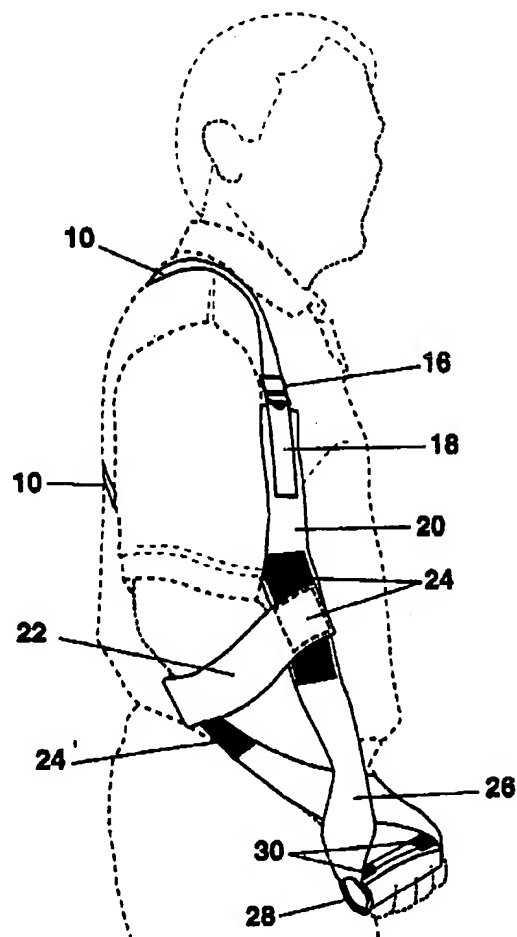
Allowable Subject Matter

1. Claims 1-8, 11, and 12 are allowed.
2. The following is an examiner's statement of reasons for allowance:
 1. Estwanick (US Pat. No. 6,031,044), shown in the figure below, discloses a device capable of being used for physical training comprising a conformable grip configured to accept a human hand formed in a first having medial and lateral sides (note Figures 5 and 6), a flat elongated flexible medial strap (18 and column 3, lines 10-16) with respective strap end (22), a flat elongated flexible lateral strap (26 and column 3, lines 17-21) with respective strap end (30), and a flexible clench strap within the grip (48) extending from the medial side to the lateral side as can be seen in the side views of Figures 5 and 6.
3. Estwanick further discloses a single wrist compression strap (34) or a cross strap, but fails to disclose a distinct top cross strap and a distinct bottom cross strap. Additionally, Estwanick fails to disclose or make obvious the medial and lateral straps having an open length of 24 inches from the most distal point or the medial and lateral straps extending adjacent a person's arm from the grip to the person's elbow and further extending behind the person's shoulder.



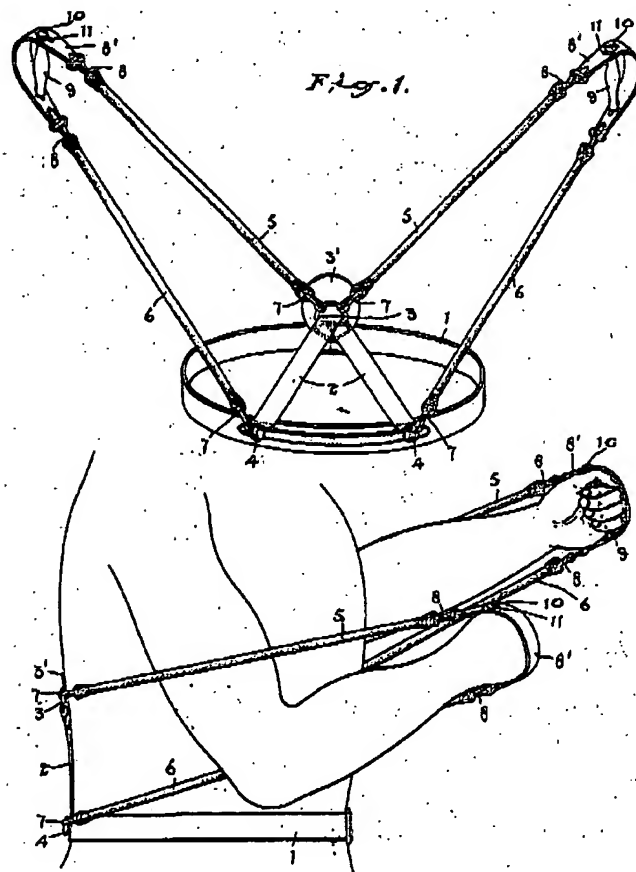
4. Givler et al. (US Pat. No. 6,945,945), shown in the figure below, discloses a device capable of being used for physical training comprising a conformable grip configured to accept a human hand formed in a fist (note Figure 3), flat elongated flexible medial and lateral straps extending from the grip and having proximal ends (20 and 20'), a hand piece (28) or 'clench strap', and the medial and lateral straps extending adjacent a person's arm from the grip to the person's elbow and further extending behind the person's shoulder.

2. Givler fails to disclose the clench strap being flexible and further fails to teach or make obvious a bottom cross strap connecting the medial and lateral straps.



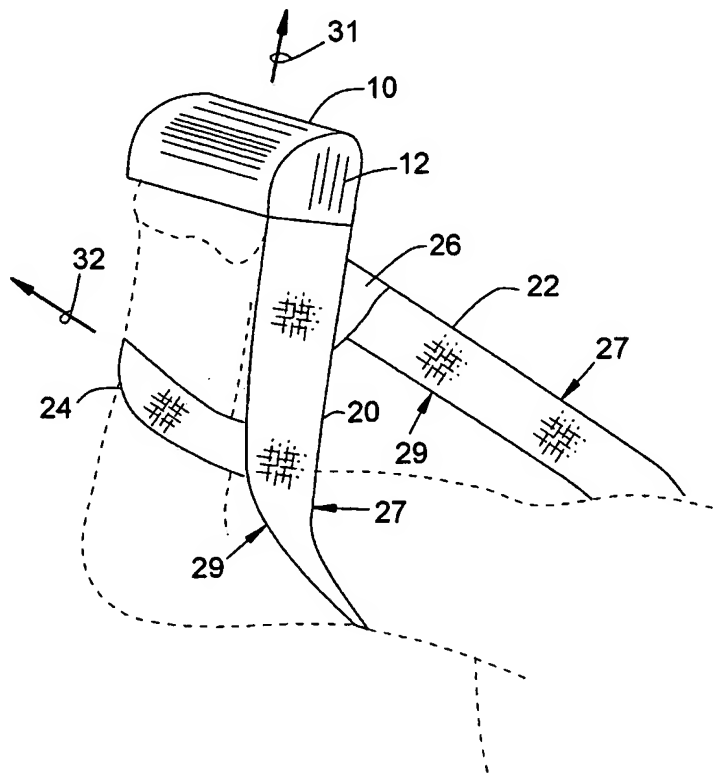
3. Blake (US Pat. No. 1,432,013), shown in the figure below, discloses a physical training device comprising a conformable grip configured to accept a human hand formed in a fist (note Figure 2), the grip having a medial and lateral side with a flexible medial and lateral straps (5, 6) extending from the respective medial and lateral sides of the grip, a handle (9) clenched by the user within the grip and that extends between the medial and lateral sides, and the grip having a most distal point for receiving the knuckles of a user's fist.

4. Blake fails to disclose or make obvious a flexible clench strap or top and bottom cross straps connecting the medial and lateral straps.



Art Unit: 3764

5. The prior art of record fails to disclose or make obvious a physical training device, shown in the figure below, comprising a conformable grip configured to accept a human hand formed in a fist, flat elongated lateral and medial straps extending from the grip lateral and medial sides, respectively, a flexible clench strap within the grip, top and bottom cross straps connecting the lateral and medial straps, with the medial and lateral straps each having an open length of at least 24 inches or the medial and lateral straps extending adjacent the user's arm from the grip to the user's elbow and further extending to behind the person's shoulder.




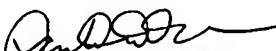
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL 
August 10th, 2006


Denton D. DeMille
Primary Examiner